IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

CCC.No. 625 of 2002(S)

(NON COMPLIANCE OF THE ORDER IN CMP.22767/2002 Dated 31/05/2002)

PETITIONER/PETITIONER:

PERIA PEAK ESTATES PVT. LTD.,
REPRESENTED BY GEORGE SEBASTIAN,
JOINT MANAGING DIRECTOR, POST PERIA,
NORTH WYNAD.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS/RESPONDENTS AND THIRD PARTIES:
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1. STATE OF KERALA, REP. BY CHIEF SECRETARY, TRIVANDRUM.

2. O.M. JANARDHANAN, FATHER'S NAME AND AGE NOT KNOWN, DIVISIONAL FOREST OFFICER, MANANDAVADY.

3. A. SATHYANATHAN, FATHER'S NAME AND AGE NOT KNOWN, FOREST RANGE OFFICER, PERIA RANGE, MANANDAVADY.

4. P. RAMAKRISHNAN, FATHER'S NAME AND AGE NOT KNOWN, DEPUTY RANGE OFFICER, MANANDAVADY.

5. ANILKUMAR, FATHER'S NAME AND AGE NOT KNOWN, FOREST GUARD, FOREST RANGE OFFICE, MANANDAVADY.

6. UNNI, FATHER'S NAME AND AGE NOT KNOWN, FOREST GUARD, FOREST RANGE OFFICE, MANANDAVADY.

7. SUBEER, FATHER'S NAME AND AGE NOT KNOWN, FOREST GUARD, FOREST RANGE OFFICE, MANANDAVADY.

8. PREAMKUMAR, FATHER'S NAME AND AGE NOT KNOWN, FOREST GUARD, FOREST RANGE OFFICE, MANANDAVADY.

BY SPL. GOVERNMENT PLEADER SHRI RANJITH THAMPAN.

THIS CONTEMPT OF COURT CASE HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT OF COURT CASE No. 625 OF 2002

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Dated this the 17th August, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Petitioner in O.P. 22311 of 2001 has filed this Contempt Case, under sections 11 and 12 of the Contempt of Courts Act read with Article 215 of the Constitution of India, inter alia alleging that the contemnors have disobeyed the interim order passed by this court on 31.05.2002 in C.M.P. No. 22767 of 2002 in O.P.No. 22311 of 2001. Therefore, a request is made before this court to initiate appropriate contempt proceedings against the contemnors/respondents herein and punish them for the so called wilfull and deliberate disobedience of the interim order passed by this court.

2. This court, on the application filed by the petitioner in C.M.P.No. 22767 of 2002 has passed the following order:

> *"In pursuance to the order passed by this court, it is alleged by the petitioner that the property in question has been restored to them. They apprehend interference with the peaceful possession and enjoyment of the land. If the petitioner is in possession of the property in question, their possession shall not be interfered with or obstructed by the respondent. We make it clear that petitioner shall not cut and remove any tree standing in the property or alter the nature of the land in any manner."*

3. It is the grievance of the petitioner in this Contempt case that the respondents/contemnors have disobeyed wilfully and deliberately the orders

passed by this court. This is only a mere assertion made by the petitioner in this Contempt case. In support of that assertion, no material is produced before this court by the petitioner/complainant. In the absence of enough and more materials before this court to support the assertion made by the petitioner/complainant, we cannot take cognizance of this Contempt case. Accordingly, the proceedings in this Contempt case require to be dropped and they are dropped. However, liberty is reserved to the petitioner/complainant to take up all such contentions which are available to him including those contentions raised in this Contempt case in an appropriate proceedings.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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H.L. DATTU, C.J.&
K.T. SANKARAN, J.

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C.C.C. No. 625 OF 2002

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Dated this the 17th August, 2007

J U D G M E N T